

In the Matter of Merchant Mariner's Document No. Z-902768 and all
other Licenses, Certificates and Documents
Issued to: PAUL A. ADAMS

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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PAUL A. ADAMS

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

By order dated 16 September 1955, an Examiner of the United States Coast Guard at New York, New York, suspended Merchant Mariner's Document No. Z-902768 issued to Paul A. Adams upon finding him guilty of misconduct based upon six specifications alleging in substance that while serving as an oiler on board the American SS JULES FRIBOURG under authority of the document above described, on or about 7 March 1955, while said vessel was in the port of Norfolk, Virginia, he failed to perform his duties; on or about 24 March 1955 while at sea, he wrongfully caused a disturbance during fire and boat drill by reason of being under the influence of intoxicants; on or about 24 March 1955 while at sea, he failed to perform his duties by reason of being under the influence of intoxicants; on or about 3 April 1955 while at Rijeka, Yugoslavia, he failed to perform his duties; on or about 26 April 1955 at Antwerp, Belgium he failed to perform his assigned duties; and on or about 26 August 1955, he failed to join the vessel upon her departure from Houston, Texas.

The hearing was conducted in absentia, in accordance with 46 CFR 137.09-5(f), since Appellant was not present. The Investigating Officer testified that he had served the charge and specifications on Appellant and that Appellant had been given a full explanation of the nature of the proceedings, the rights to which he was entitled, the possible results of the hearing and the fact that the hearing would be held in absentia if Appellant failed to appear. After the Examiner entered pleas of "not guilty" to the charge and specifications on behalf of Appellant, in accordance with 46 CFR 137.09-35, the Investigating Officer made his opening statement. He then introduced in evidence the testimony of the Master, Chief Engineer, First Assistant Engineer and an Oiler, all of whom were on the JULES FRIBOURG at the time of the alleged offenses.

At the conclusion of the hearing, having heard the argument of the Investigating Officer, the Examiner announced his decision and concluded that the charge and six specifications had been proved. He then entered the order suspending Appellant's Merchant Mariner's

Document No. Z-902768, and all other licenses and documents issued to Appellant by the United States Coast Guard or its predecessor authority, for a period of six months - three months outright suspension and three months suspension on probation until twelve months after the termination of the outright suspension.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On a voyage extending from 4 March 1955 until after 16 September 1955, Appellant was serving as an oiler on board the American SS JULES FRIBOURG and acting under authority of his Merchant Mariner's No. Z-902768.

On 7 March 1955 while the ship was at Norfolk, Virginia, Appellant failed to report on board for his 0800 to 1600 watch in the engine room.

On 24 March 1955 while the ship was at sea, Appellant was in an intoxicated condition. He manned the after davit crank handle for the number 2 boat during a fire and boat drill. When the after boat fall became fouled with the davit handle as the boat was being swung out, Appellant started to clear the fall by taking the line off the bitt. The Master stopped Appellant in time to prevent the line from running free and the boat from dropping. Later on the same day, Appellant was still intoxicated and unable to stand his 2400 watch.

On 3 April 1955 while the ship was at Rijeka, Yugoslavia, Appellant was not on board to stand his watch.

On 26 April 1955 while the ship was at Antwerp, Belgium, Appellant did not stand his 0800 to 1600 watch.

On 26 August 1955, the ship departed from Houston, Texas. Appellant stepped ashore as the last lines were being taken in from the dock. Appellant rejoined the vessel at New Orleans.

Appellant's prior record consists of an admonition in 1951 for failure to join his vessel.

BASIS OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Appellant states that this is his first offense; this is his only means of livelihood; and he promises never to do wrong again. For these reasons, Appellant requests that his document be returned to him.

OPINION

The points raised on appeal do not justify modification of the Examiner's order.

Over a period of several months, Appellant repeatedly failed to perform the duties which he had agreed to do when he accepted employment on the ship. This conduct not only inconvenienced other member of the crew but required the ship to operate in an undermanned condition at times.

The incident on 24 March would have resulted in serious damage to, or loss of, the boat if Appellant had succeeded in his attempt to release the boat fall. The rapid movement of the line could have caused serious injury to Appellant or other personnel. Hence, Appellant showed a complete disregard for his own safety as well as the safety of others.

The Examiner's order of suspension will be upheld regardless of the temporary personal hardship that it will cause Appellant. The three months probationary suspension may be added to any subsequent order by an Examiner for an offense committed by Appellant prior to 3 January 1957 since Appellant surrendered his document on 3 October 1955.

ORDER

The order of the Examiner dated at New York, New York, on 16 September 1955 is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 27th day of January, 1956.